

PATENT APPLICATION

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD ARMITAGE et al

Appln. No.: 09/322,021

Group Art Unit: 1644

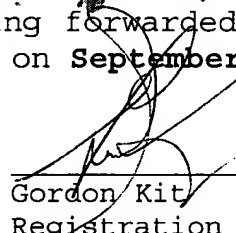
Filed: May 28, 1999

Examiner: Gambel, P.

For: MONOCLONAL ANTIBODIES TO CD40 LIGAND,  
PHARMACEUTICAL COMPOSITION COMPRISING  
SAME AND HYBRIDOMAS PRODUCING THE SAME

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing SUBMISSION OF STATEMENT OF AVAILABILITY (with attached STATEMENT OF AVAILABILITY) for the above-identified application is being forwarded by facsimile to the U.S. Patent and Trademark Office on September 20, 2000.

  
Gordon Kit  
Registration No. 30,764

SUBMISSION OF STATEMENT OF AVAILABILITY

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

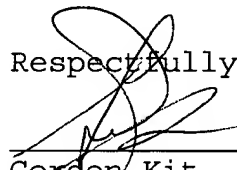
In the teleconference with the Examiner, the Examiner indicated that Applicants are requested to submit a Statement of Availability in the above-identified application as to the availability of pDC406-mCD40-L.

**SUBMISSION OF STATEMENT OF AVAILABILITY**  
**U.S. Appln. No. 09/322,021**

Therefore, Applicants submit herewith said Statement of Availability in regard to the same.

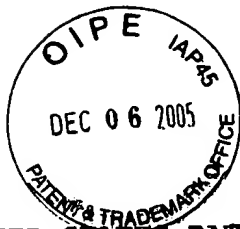
The Examiner is invited to contact the undersigned at his Washington telephone number on any questions which might arise.

Respectfully submitted,

  
\_\_\_\_\_  
Gordon Kit  
Registration No. 30,764

**SUGHRUE, MION, ZINN,**  
**MACPEAK & SEAS, PLLC**  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3202  
(202) 293-7060

Date: September 20, 2000



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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STATEMENT OF AVAILABILITY

FILED

SEP 20 2000

Assistant Commissioner  
of Patents  
Washington, D.C. 20231

Sir:

We, IMMUNEX CORPORATION, do depose, declare and state that:

We are the Assignee of the entire right, title and interest of the invention described and claimed in the above-identified application, as evidenced by the Assignment recorded on October 17, 1994, at REEL 7170, FRAME 0593, in Parent Application Serial No. 08/249,189, filed May 24, 1994 (now U.S. Patent 5,961,974).

We agree that upon allowance and issuance of the above-identified application into a United States Patent, restriction on availability of:

pDC406-mCD40-L (ATCC No. 68872)

which is designated in the specification of the above-identified application and deposited at the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VIRGINIA 20110-2209, on December 6, 1991, will be irrevocably removed.

STATEMENT OF AVAILABILITY  
U.S. Appln. No. 09/322,021

We agree that the above-identified bacteria designated in the above-identified application will be maintained for a period of 30 years or 5 years after the last request for the deposit or for the effective life of any patent which issues on the above-identified application, whichever is longer;

We agree that if the deposit becomes non-viable, it will be replaced; and

We also assure access to the deposit as determined by the Commissioner under 37 C.F.R. § 1.14.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

IMMUNEX CORPORATION

Date: September 19, 2000

Name: Janis C. Henry  
Name: Janis C. Henry  
Title: Senior Patent Counsel



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-2587

X302 A

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Immunex Corporation  
Attention: Jeffrey B. Oster  
51 University Street  
Seattle, WA 98101

Deposited on Behalf of: Immunex Corporation

Identification Reference by Depositor:

ATCC Designation

Escherichia coli DH5, Murine CD40-Ligand in  
pDC201

68872

Escherichia coli DH5, Human CD40-Ligand

68873

The deposits were accompanied by: \_\_\_\_ a scientific description X a proposed taxonomic description indicated above.

The deposits were received December 6, 1991 by this International Depository Authority and have been accepted.

### AT YOUR REQUEST:

X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested December 11, 1991. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Bobbie A. Brandon  
Bobbie A. Brandon, Head, ATCC Patent Depository

Date: December 16, 1991

cc: Scott G. Hallquist